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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/497,992	02/04/2000	Steven T. Maller	MSI-353US	8151
22801	7590	08/25/2005	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			SHINGLES, KRISTIE D	
			ART UNIT	PAPER NUMBER
			2141	

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/497,992

Applicant(s)

MALLER, STEVEN T.

Examiner

Kristie Shingles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 43-47 is/are pending in the application.
- 4a) Of the above claim(s) 1-42 and 48-70 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 43-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

*Applicant has not amended any claims.
Claims 1-42 and 48-70 have been cancelled.
Claims 43-47 are pending.*

Response to Arguments - Claim Rejections - 35 USC § 112, second paragraph

1. Applicant's arguments (see Remarks, pages 4-6) filed on 6/2/2005 with respect to Claim 43 have been fully considered and are persuasive. Thus, the 35 U.S.C. 112, second paragraph rejection of Claim 43 has been withdrawn.

Allowable Subject Matter

2. After further search and consideration, new prior art has been found that is pertinent to Applicant's pending claims. The reasons for allowance given in the previous action on 2/24/2005 are hereby withdrawn. Upon further consideration, a new ground of rejection is made in view of *Pollack et al* (USPN 6,546,390).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims **43-45 and 47** are rejected under 35 U.S.C. 102(e) as being anticipated by *Pollack et al* (USPN 6,546,390).

a. **Per claim 43**, *Pollack et al* teach an email screening method comprising:

- defining an index having values that are assigned to various degrees of desirability that an email message can have, wherein the degrees of desirability extend from a low degree of desirability to a high degree of desirability (col.4 lines 41-65, col.6 lines 40-58, col.8 lines 10-25, col.8 line 47-col.9 line 33);
- associating a plurality of parameters having parameter values with the various degrees of desirability, wherein at least some of the parameters do not depend on any message that is conveyed by any content of an email message (col.5 lines 34-60, col.6 lines 13-66, col.9 lines 10-59; relevancy scores from low-to-high degrees of desirability depend on message information such as time and size that are not conveyed by any content of an email message);
- establishing a user interface through which a user can adjust either (a) individual parameter values that, in turn, establish a degree of desirability, or (b) index values that themselves establish a degree of desirability that email messages must have in order to be saved to dedicated user storage locations (col.4 line 51-col.5 line 37, col.7 lines 15-26, col.9 line 60-col.10 line 55; provision for users to adjust and modify relevancy thresholds for customization—the relevancy scores themselves are compared with the relevancy threshold for filtering); and
- evaluating, using a computing device comprising part of an email system in which, for at least some users of the system, a client user interface email environment is generated through use of HTML or web pages that are sent to client devices, incoming email messages against the index value that is defined by the user (col.5 line 61-col.6 line 12, col.6 lines 46-66, col.7 lines 27-48, col.10 line 35-col.11 line 15; provision for relevancy evaluation against relevancy scores and incoming email messages).

b. **Per claim 44**, *Pollack et al* teach the email screening method of claim 43, wherein the parameter values are adjustable (col.4 line 51-col.5 line 37, col.7 lines 15-26, col.9 line 60-col.10 line 55).

c. Per claim 45, *Pollack et al* teach the email screening method of claim 43, wherein one of the parameters is associated with the number of specified recipient addresses (col.6 lines 13-23, col.7 line 65-col.8 line 10).

d. Per claim 47, *Pollack et al* teach the email screening method of claim 43, wherein one of the parameter is associated with the size of an email message (col.5 lines 19-23).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Pollack et al* (USPN 6,546,390) in view of *Kirsch* (USPN 6,546,416).

Per claim 46, *Pollack et al* teach the email screening method of claim 43, as applied above. Yet *Pollack et al* fail to explicitly teach wherein one of the parameters is associated with a percentage of invalid specified recipient addresses. However, *Kirsch* teaches filtering criteria based on the invalid recipient addresses (col.5 lines 9-27, col.6 line 6-19, col.7 lines 22-35, col.8 lines 45-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Pollack et al* and *Kirsch* for the purpose of adjusting the filtering/relevancy parameters to include discriminating against invalid addresses,

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in order to filter out messages that are un-addressable or not valid based on the user's defined filtering criteria.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: *Eggleston et al* (USPN 6,101,531), *Canale et al* (USPN 5,619,648).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles
Examiner
Art Unit 2141

kds


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER